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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 9314-45

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Application Number	Filed
10/626,224	July 24, 2003

First Named Inventor: William O. Camp, Jr.

Art Unit	Examiner
2618	Eugene Yun

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 40,133.

☐ attorney or agent acting under 37 CFR 1.34.
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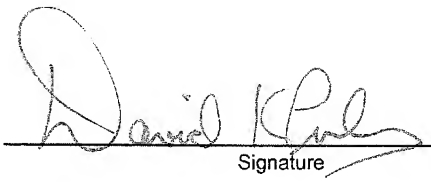

Signature

David K. Purks
Typed or printed name

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Telephone number

6-18-07
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: William O. Camp, Jr.
Application No.: 10/626,224
Filed: July 24, 2003

Group Art Unit: 2618
Examiner: Eugene Yun
Confirmation No. 4546

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: June 18, 2007

REASONS IN SUPPORT OF APPLICANT'S PRE-APPEAL BRIEF REQUEST FOR REVIEW

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. § 41.31. If any fee or extension of time for this request is required, Applicant requests that this be considered a petition therefore. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Applicant hereby requests a pre-appeal brief review ("Request") of the claims finally rejected in the final Office Action mailed March 19, 2007 ("Final Office Action") and the Advisory Action mailed June 4, 2007 ("Advisory Action") or collectively ("Actions"). Claims 1-3, 7-16, 19-24, and 26-29 are pending and stand finally rejected. In the interest of brevity and without waiving the right to argue additional grounds on appeal, Applicant will only discuss the particular errors in the rejections of independent Claims 1, 3, 9, 10, 11, 15, 21, 22, and 23. In each of these claims, the Actions have failed to establish prima facie obviousness, as the combination of references does not teach or suggest each and every recitation of the claims.

Claims 1, 3, 11, 15, and 23:

Claim 1 recites, *inter alia,* that the processor of the wireless terminal is:

1) configured to encode voice in the second information using at least one of an Enhanced Full Rate (EFR) codec and an Adaptive Multi-Rate (AMR) codec for transmission by the cellular transceiver according to a signal processing operation, and

2) *configured to selectively encode voice in the first information using at least one of the EFR codec and the AMR codec for communication by the short-range communication module using the signal processing operation* ***based on whether the communication device supports an enhanced communication mode***.

The Final Office Action contends on pages 2-3 that Rasmusson discloses all recitations of Claim 1 except that "Rasmusson does not teach encoding voice in short-range and cellular

communication using at least one of an Enhanced Full Rate (EFR) codec and an Adaptive Multi-Rate (AMR) codec for communication". The Final Office Action then contends that this missing teaching of Rasmusson is supplied by Jones' description of EFR and AMR codecs. However, Applicant submits that **Rasmusson also does not describe or suggest** the second above-enumerated recitation of Claim 1, that a wireless terminal is configured to *selectively encode voice in the first information using at least one of the EFR codec and the AMR codec for communication by the short-range communication module using the signal processing operation based on whether the communication device supports an enhanced communication mode*.

The Final Office Action contends that the second above-enumerated recitation of Claim 1 is disclosed at page 15, lines 11-32 of Rasmusson, the relevant portions of which are repeated below for convenience of reference (emphasis added):

> ... *To facilitate an understanding of the invention, it will be assumed here that the hands-free adapter communicates a performance class identifier to the mobile controller 209 located in the mobile telephone 203.* ... In step 303, the *mobile controller 209 adjusts the gain of the microphone amplifier 219 and of the loudspeaker amplifier 217. These settings, which are determined in advance for this particular performance class of hands-free equipment, ensure optimal performance with respect to saturation, interference and distortion associated with a microphone 105 and the loudspeaker 109.*

Rasmusson thus describes that the mobile telephone 203 receives a class identifier from the hands-free adapter 201, which, in response to, the mobile telephone 203 "*adjusts the gain of the microphone amplifier 219 and of the loudspeaker amplifier 217*" to controllably amplify a sound signal received from hand-free microphone 105 and to controllably amplify a sound signal transmitted to the hands-free speaker 103. Rasmusson describes that in "step 309, other algorithms/components are adjusted to best suit the particular hands-free adapter 201 that is to operate with the mobile telephone 203[, where] such other algorithms/components include, but are not limited to, noise canceler (sic), near-end voice detectors, other communication filters (uplink and downlink)." (Rasmusson, page 16, lines 27-30).

Rasmusson thus describes that the *gain of the microphone amplifier 219 and of the loudspeaker amplifier 217* can be varied, and that the level of noise filtering applied to filter noise from a sound signal from the microphone amplifier 219 can be varied based on the particular hands-free adapter 201 that transmitted that signal. Rasmusson describes that its motivation for varying the gains applied to the microphone signal and to the loudspeaker signal from/to a hands-free adapter is to compensate for performance differences between the types of microphones and speakers that can be used in various different hands-free adapters.

Applicant submits that nowhere does Rasmusson appear to contain any description as to voice encoding by the mobile telephone 203, by the hands-free adapter 201, or by any other device. Moreover, Applicant submits that neither the cited portion nor elsewhere does Rasmusson contain any description or suggestion that *voice in a signal transmitted* from the mobile telephone 203 to the hands-free adapter 201 *is selectively encoded* by the mobile telephone 203 *based on the class identifier or any other identifier received from the hands-free adapter 201*. Moreover, Applicant submits that neither the cited portion nor elsewhere does Rasmusson contain any description or suggestion that the mobile telephone 203 *selectively encodes voice* using a EFR codec and/or a AMR codec for transmission to the hands-free adapter 201 *based on whether the hands-free adapter 201 can receive that type of encoded voice*.

Consequently, Applicant submits that Rasmusson further does not describe or suggest at least the second above-enumerated recitation of Claim 1, that a wireless terminal is configured to *selectively encode voice in the first information using at least one of the EFR codec and the AMR codec for communication by the short-range communication module using the signal processing operation based on whether the communication device supports an enhanced communication mode*.

The Final Office Action and Advisory Action appear to cite Jones for its brief description of EFR and AMR codecs. However, Jones does not describe or suggest the recitations that are missing from Rasmusson. In particular, Jones does not describe or suggest that a wireless terminal is configured to *selectively encode voice in the first information using at least one of the EFR codec and the AMR codec for communication by the short-range communication module using the signal processing operation based on whether the communication device supports an enhanced communication mode*.

Consequently, Applicant submits that at least the second above-enumerated recitations of Claim 1 are not described or suggested by Rasmusson in view of Jones and, accordingly, that Actions have failed to establish *prima facie* obviousness. Independent Claims 3 and 15 contain similar recitations to Claim 1 are therefore submitted to be patentable over Rasmusson in view of Jones for at least the reasons explained above for Claim 1.

Claim 11 recites, *inter alia,* that the processor of the wireless terminal is configured to selectively encode information, *by selectively embedding control data in the information*, for *transmission by a Bluetooth module based on whether the remote Bluetooth device supports an enhanced communication mode*.

The Final Office Action concedes on pages 5-6 that Rasmusson does not describe or suggest these recitations of Claim 11, but then suggests that these recitations are disclosed in Jones at col. 10, line 61 to col. 11, line 2. The cited portion of Jones describes encapsulation of a first-protocol voice content in the payload of a second-protocol package. However, neither the cited portion nor elsewhere does Jones describe or suggest that the mobile station 116 *selectively encapsulates* the first-protocol voice content in the payload of a second-protocol package *based on whether the other mobile station supports an enhanced communication mode*. Moreover, Applicant submits that neither the cited portion nor elsewhere does Jones describe or suggest that the wireless terminal 116 selectively encodes information, *by selectively embedding control data in the information*, for *transmission by a Bluetooth module based on whether a remote Bluetooth device supports an enhanced communication mode*.

Consequently, Applicant submits that at least the above-highlighted recitations of Claim 11 are not described or suggested by Rasmusson in view of Jones and, accordingly, that Claim 11 and Claim 23, which contains similar recitations, are patentable over Rasmusson in view of Jones.

Claims 9, 10, 21, and 22:

Independent Claim 9 recites, *inter alia*, that a processor in a wireless terminal is configured to convolutionally encode information for transmission to a cellular network, and to selectively convolutionally encode information for transmission to a remote Bluetooth device by a Bluetooth module based on whether the remote Bluetooth device supports an enhanced communication mode.

The Final Office Action concedes on page 8 that Rasmusson does not describe or suggest these recitations of Claim 9, but then suggests that these recitations are disclosed in Komsi at col. 6, lines 18-33. The relevant disclosure of this cited portion of Komsi is that the "*controller thus also includes the functionality to convolutionally encode and interleave message and data prior to modulation and transmission*." Applicant submits that neither the cited portion nor other portions of Komsi describe or suggest that the controller 50 is configured to *selectively convolutionally encode information* for transmission to a remote Bluetooth device by a Bluetooth module *based on whether the remote Bluetooth device supports an enhanced communication mode*.

Consequently, Applicant submits that at least the above-highlighted recitations of Claim 9 are not described or suggested by Rasmusson in view of Komsi and, accordingly, that Claim 9

and Claim 21, which contains similar recitations, are patentable over Rasmusson in view of Komsi.

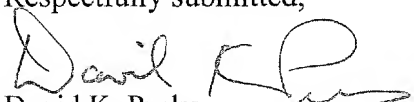
Independent Claim 10 recites, *inter alia*, that a processor in a wireless terminal is configured to interleave information over time for transmission by a cellular transceiver, and to selectively interleave information over time for transmission to a remote Bluetooth device by a Bluetooth module based on whether the remote Bluetooth device supports an enhanced communication mode.

The Final Office Action concedes on page 9 that Rasmusson does not describe or suggest these recitations of Claim 10, but then suggests that these recitations are disclosed in Komsi at col. 6, lines 18-33. Reference is again made to the cited portion of Komsi which is repeated above during the explanation of Claim 9.

It appears that Komsi's relevant description is that the "*controller thus also includes the functionality to convolutionally encode and interleave message and data prior to modulation and transmission*." Applicant submits that neither the cited portion nor other portions of Komsi describe or suggest that the controller 50 is configured to *selectively interleave information over time* for transmission to a remote Bluetooth device by a Bluetooth module *based on whether the remote Bluetooth device supports an enhanced communication mode*.

Consequently, Applicant submits that at least the above-highlighted recitations of Claim 10 are not described or suggested by Rasmusson in view of Komsi and, accordingly, that Claim 10 is patentable over Rasmusson in view of Komsi. Independent Claim 22 contains similar recitations to Claim 10 and is therefore submitted to be patentable over Rasmusson in view of Komsi for at least the reasons explained for Claim 10.

Respectfully submitted,



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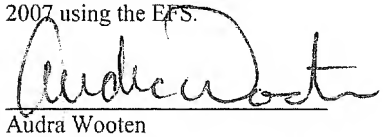

Audra Wooten
Date of Signature: June 18, 2007